

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
Verestar, Inc. ) File No. SES-STA-20010323-00632
Request for Special Temporary Authority for the )
Brewster Earth Stations to Support In-Orbit and )
Integration System Tests with the ICO F-2 Satellite )

ORDER AND AUTHORIZATION

Adopted: July 17, 2001

Released: July 18, 2001

By the Deputy Chief, Satellite and Radiocommunication Division, International Bureau, the Acting Chief, Policy and Rules Division, Office of Engineering and Technology, and the Chief, Commercial Wireless Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. By this Order and Authorization, we grant Verestar, Inc. ("Verestar") special temporary authority ("STA") for an additional 120 days to operate certain earth stations located at Brewster, Washington, in support of equipment and in-orbit tests of the non-geostationary satellite orbit ("NGSO") ICO F-2 satellite. This authorization will permit Verestar to verify the performance of the ICO Global Communications (Operations) Limited (ICO) satellite network through its ground segment operations at Brewster, Washington.

II. BACKGROUND

2. In the Verestar 60-Day STA Order, released May 10, 2001, the Chief of the Satellite and Radiocommunication Division, International Bureau, granted special temporary authority to Verestar to conduct testing at its Brewster, Washington ground stations in support of the launch of ICO F-2. ICO F-2 was launched on June 19, 2001. Specifically, Verestar received authority for (1) verification and calibration of test equipment and earth station radio frequency equipment from approximately May 6, 2001 until launch date; and (2) "Phase One" in-orbit testing of the ICO F-2 satellite immediately following its launch until July 9, 2001, i.e., 60 days after release of the Verestar 60-Day STA Order. We also stated that we would address Verestar's request for authority to operate beyond the 60-day STA period in a subsequent decision following the close of the comment cycle specified in the public notice

1 This Order and Authorization confirms a verbal STA granted to Verestar by the Satellite and Radiocommunication Division on July 9, 2001.

2 Verestar, Inc., Order and Authorization, DA 01-1195 (Sat. & Radiocomm. Div., rel. May 10, 2001) (Verestar 60-Day STA Order).

issued pertaining to Verestar's request.<sup>3</sup> Consequently, we dismissed, without prejudice to refile at a later date, the portion of Verestar's STA request for any period in excess of 180 days.<sup>4</sup>

3. Under the terms of the *Verestar 60-Day STA Order*, Verestar is authorized to perform satellite tests in the mobile-satellite system (MSS) service link bands at 1990-2015 MHz (Earth-to-space) and 2170-2200 MHz (space-to-Earth).<sup>5</sup> Although Verestar requested a temporary waiver of the U.S. Table of Frequency Allocations to transmit test signals in the 1985-1990 MHz band (allocated in the United States to the non-government fixed and mobile services),<sup>6</sup> we denied Verestar's request because it had not completed or submitted a demonstration of coordination with the licensee of this frequency band covering Brewster, Washington.<sup>7</sup> The *STA Order* also authorizes Verestar to test NGSO MSS feeder links in the 5150-5250 MHz (Earth-to-space) and 6975-7075 MHz (space-to-Earth) bands.<sup>8</sup> Because the feeder link bands being tested are not currently allocated for commercial NGSO satellite service in the United States, we waived Section 2.102(a) of the Commission's rules to permit the proposed feeder link testing on a non-harmful-interference basis, pending completion of a domestic allocation proceeding.<sup>9</sup>

### III. DISCUSSION

#### A. Waiver Request: 1985-1990 MHz

4. VoiceStream PV/SS PCS, L.P. (VoiceStream) is authorized to provide Personal Communications Services (PCS) in the 1985-1990 MHz band in the market area that includes Brewster, Washington.<sup>10</sup> On May 21, 2001, ICO and VoiceStream entered into a letter agreement in which VoiceStream granted ICO permission to use the 1985-1990 MHz band for satellite testing from Verestar's earth station complex in Brewster, Washington as described in the letter, and contingent on ICO's acceptance of various terms designed to protect VoiceStream's network.<sup>11</sup> This letter agreement demonstrates satisfactory coordination with the licensee of this frequency band. We, therefore, grant Verestar's request of a temporary waiver of the U.S. Table of Frequency Allocations to perform satellite tests in the 1985-1990 MHz band.<sup>12</sup>

#### B. Extension of STA Until November 9, 2001

5. In this *Order and Authorization*, we address Verestar's request to (1) continue "Phase One" in-orbit testing of the ICO F-2 satellite from July 10, 2001 until approximately mid-September 2001; and (2) conduct Phase Two in-orbit testing from approximately mid-September 2001 until November 9, 2001, *i.e.*, 180 days after release of the *Verestar 60-Day STA Order*. We placed Verestar's

<sup>3</sup> *Id.* at ¶ 3 (citing Public Notice, Report No. SES-00277 (rel. April 6, 2001)).

<sup>4</sup> *Id.* (citing 47 U.S.C. §§ 309(c)(2)(G), 309(f)).

<sup>5</sup> *Id.* at ¶¶ 10-13.

<sup>6</sup> 47 C.F.R. § 2.106.

<sup>7</sup> *Verestar 60-Day STA Order*, DA 01-1195, at ¶ 11.

<sup>8</sup> *Id.* at ¶¶ 5-9.

<sup>9</sup> *Id.* at ¶ 5 (citing *Amendment of Parts 2, 25 and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz*, ET Docket No. 98-142, Notice of Proposed Rulemaking, 13 FCC Rcd 17107 (1998)).

<sup>10</sup> Voicestream holds a PCS authorization under call sign KNLF483 to serve Basic Trading Area 468 using spectrum in the 1902.5-1910 MHz and 1982.5-1990 MHz bands.

<sup>11</sup> See Letter of William K. Coulter, Counsel to Verestar, Inc. to Magalie Roman Salas, Secretary, Federal Communications Commission (dated May 25, 2001) (attaching Letter Agreement between ICO and VoiceStream).

<sup>12</sup> See *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

application for STA on Public Notice on April 6, 2001.<sup>13</sup> Only one party, Spokane Television, Inc. (Spokane Television), filed comments on Verestar's STA application. Spokane Television seeks assurance that Verestar's operations will not cause harmful interference to Spokane Television's authorized facilities in the 1990-2015 MHz band.<sup>14</sup> We note that the concerns raised by Spokane Television were addressed in the *Verestar 60-Day STA Order*.

6. Given that there are no further objections to Verestar's STA request, we hereby extend Verestar's STA to conduct testing at its Brewster, Washington ground stations in support of the ICO F-2 satellite for an additional 120 days, until November 9, 2001.

#### IV. CONCLUSION AND ORDERING CLAUSES

7. We find that extension of Special Temporary Authority to enable Verestar to conduct testing at its Brewster, Washington ground stations in support of the ICO F-2 satellite will serve the public interest.

8. Accordingly, pursuant to Section 309 of the Communications Act of 1934, as amended, 47 U.S.C. § 309, and authority delegated by Sections 0.241 and 0.261 of the Commission's Rules, 47 C.F.R. §§ 0.241, 0.261, IT IS ORDERED that Application File No. SES-STA-20010323-00632 IS GRANTED Special Temporary Authority, and Verestar, Inc. IS AUTHORIZED to continue conducting testing operations proposed in its application and as addressed in the *Order and Authorization*, DA 01-1195 (Sat. & Radiocomm. Div., rel. May 10, 2001) until November 9, 2001, subject to all conditions set forth in that *Order and Authorization*.

9. IT IS FURTHER ORDERED that Section 2.106 of the Commission's Rules, 47 C.F.R. § 2.106, IS WAIVED to permit use for testing in the 1985-1990 MHz frequency band, and Verestar IS AUTHORIZED to conduct such tests in accordance the technical specifications set forth in its application and the terms of this *Order and Authorization*, provided that harmful interference shall not be caused to authorized radiocommunication services and interference protection from authorized stations shall not be claimed.

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<sup>13</sup> Public Notice, Report No. SES-00277 (rel. April 6, 2001).

<sup>14</sup> Comments of Spokane Washington, Inc. on Request for Expedited Temporary Authority for Brewster, WA Earth Stations, File No. SES-STA-20010323-00632 (dated May 3, 2001) (Spokane Washington Comments). Although the 1990-2015 MHz band is allocated to MSS on a primary basis, incumbent Broadcast Auxiliary Service operations continue in this band until relocated pursuant to Commission rules. See *Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service*, ET Docket No. 95-18, First Report and Order and Further Notice of Proposed Rule Making, 12 FCC Rcd 7388 (1997), *aff'd on recon.*, Memorandum Opinion and Order and Third Notice of Proposed Rule Making and Order, 13 FCC Rcd 23949 (1998), *further proceedings*, Second Report And Order and Second Memorandum Opinion and Order, 15 FCC Rcd 12315 (2000).

10. IT IS FURTHER ORDERED that this authorization is subject to the Commission's rulemaking proceedings in IB Docket 99-81 concerning applications for authority to provide 2 GHz MSS service and OET Docket 98-142 concerning service link domestic allocations in the 5/7 GHz frequency bands.

11. IT IS FURTHER ORDERED that this *Order and Authorization* is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Cassandra C. Thomas  
Deputy Chief  
Satellite and Radiocommunication Division  
International Bureau

Geraldine Matise  
Acting Chief  
Policy and Rules Division  
Office of Engineering and Technology

William Kunze  
Chief  
Commercial Wireless Division  
Wireless Telecommunications Bureau